



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR	:	
REVOCAION OF THE LICENSE OF	:	
	:	
JOSEPH J. FUSCO, L.P.N.	:	ADMINISTRATIVE ACTION
License No. 26NP06598600	:	
	:	
	:	FINAL ORDER OF
	:	DISCIPLINE
TO PRACTICE NURSING IN THE STATE	:	
OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Joseph J. Fusco ("Respondent") is a licensed practical nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Upon receipt of a flagging notice indicating that Respondent was arrested on July 3, 2012 by the Keansburg Police Department for Receiving Stolen Property, N.J.S.A. 2C:20-7(a), and Obstruct Administration of Justice, N.J.S.A. 2C:29-1(a), the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address of record in Keansburg, New Jersey, via regular and certified mail on or about July 7, 2012. The regular mailing was not returned; the certified

mailing was returned to the Board as "unclaimed - unable to forward."

3. To date, Respondent has not responded to the Board's request for information.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2, -1.3, in violation of N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Respondent's failure to provide the Board with a valid address constitutes a violation of N.J.A.C. 13:37-5.7.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on October 26, 2012, provisionally suspending respondent's nursing license, and imposing a \$200.00 civil penalty. A copy of the Order was forwarded to respondent by certified and regular mail at his address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting

any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Mr. Fusco replied to the Provisional Order of Discipline and furnished an adequate response to the Board's original request for information. Therefore the Board determined that suspension was no longer applicable. Respondent indicated that disruption caused by Hurricane Sandy hampered his ability to respond to the Board's inquiry, however the Board noted that the original inquiry to respondent was sent in July, and Hurricane Sandy did not occur until October. The Board therefore determined that the Provisional Order should be made final, imposing the monetary penalty for failure to timely respond to the Board's inquiry.

ACCORDINGLY, IT IS on this 12th day of February, 2013,
ORDERED that:

1. A civil penalty in the amount of \$200.00 is hereby imposed upon Respondent. Payment shall be made by certified check or money order, payable to the State of New Jersey, delivered to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the entry of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate

of debt shall be filed in accordance with N.J.S.A 45:1-24 and the Board may bring such other proceedings as authorized by law.

2. Nothing herein precludes the Board from taking action on the underlying conduct that was originally the subject of inquiry in this matter.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy PhD APRN
Patricia Murphy, PhD, APRN
President